

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

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TAMMY MERICLE,	-	
	-	
Plaintiff,	-	
	-	PLAINTIFF’S VERIFIED
v.	-	COMPLAINT AND
	-	DEMAND FOR JURY
DELANOR KEMPER & ASSOCIATES, LLC,	-	TRIAL
	-	
Defendant.	-	

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TAMMY MERICLE (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., alleges the following against DELANOR KEMPER & ASSOCIATES, LLC, (“Defendant”):

**INTRODUCTION**

1. Plaintiff’s Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

4. Defendant has offices and conducts business in the state of Georgia, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

## **PARTIES**

6. Plaintiff is a natural person residing in the Enfield Center, New Hampshire.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company located in Atlanta, County of Fulton, Georgia.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

## **FACTUAL ALLEGATIONS**

11. Defendant constantly and continuously contacts Plaintiff seeking and demanding payment for an alleged debt.

12. Defendant contacts Plaintiff on an almost daily basis, multiple times per day on Plaintiff's cell phone and then Plaintiff's home phone.

16. Defendant told Plaintiff that they were investigating a check fraud case.

17. Defendant threatened to issue a warrant for Plaintiff's arrest.

18. Defendant threatened to have Plaintiff arrested if she refused to satisfy the alleged debt.

## **COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

19. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt;
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engage in telephone conversations repeatedly or continuously with the intent to annoy, abuse, or harass Plaintiff;
- c. Defendant violated §1692e(4) of the FDCPA by threatening to have Plaintiff arrested;
- d. Defendant violated §1692e(5) of the FDCPA by threatening to take legal action against Plaintiff by threatening to issue a warrant and have Plaintiff arrested;
- e. Defendant violated §1692e(10) of the FDCPA using false representations and/or deceptive means in an attempt to collect a debt by representing that they were investigating a “check fraud” case;
- f. Defendant violated §1692e(10) of the FDCPA using false representations and/or deceptive means in an attempt to collect a debt by threatening to issue a warrant for Plaintiff’s arrest; and
- g. Defendant violated §1692e(10) of the FDCPA using false representations and/or deceptive means in an attempt to collect a debt by threatening to have Plaintiff arrested.

WHEREFORE, Plaintiff, TAMMY MERICLE, respectfully requests judgment be entered against Defendant, DELANOR KEMPER & ASSOCIATES, LLC., for the following:

20. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k.
22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: October 12, 2010

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**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, TAMMY MERICLE, demands a jury trial in this case.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

STATE OF NEW HAMPSHIRE )

Plaintiff, TAMMY MERICLE, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, TAMMY MERICLE, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

7-23-10  
Date

Tammy Mericle  
TAMMY MERICLE